

# **SUPERIOR COURT OF CALIFORNIA**

**County of San Diego**

**DATE: July 19, 2006**

**DEPT. 71**

**REPORTER A: Peter Stewart**

**CSR# 3184**

**PRESENT HON. RONALD S. PRAGER**

**REPORTER B:**

**CSR#**

**JUDGE**

**CLERK: K. Sandoval**

**BAILIFF:**

**REPORTER'S ADDRESS: P.O. BOX 120128**

**SAN DIEGO, CA 92112-4104**

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## **MINUTE ORDER**

**IN RE: JCCP 4221/4224/4226&4428 – Natural Gas Anti-Trust Cases (Price Indexing)**

The following Ex Parte hearing is in regard to Duke Energy Discovery Request to compel.

4221-00020	UYEDA vs CENTERPOINT ENERGY INC
4221-00021	BENSCHIEDT vs AEP ENERGY SERVICES INC
4221-00022	COUNTY OF SANTA CLARA vs SEMPRA ENERGY
4221-00023	CITY AND COUNTY OF SAN FRANCISCO vs SEMPRA ENERGY
4221-00024	COUNTY OF SAN DIEGO vs SEMPRA ENERGY
4221-00025	OLDER vs SEMPRA ENERGY
4221-00026	CITY OF SAN DIEGO vs SEMPRA ENERGY
4221-00027	TAMCO vs DYNEGY INC
4221-00028	A L GILBERT COMPANY vs CORAL ENERGY RESOURCES LP
4221-00029	OBERTI WHOLESALE FOOD INC vs ENCANA ENERGY SERVICES INC
4221-00030	BROWN vs ENCANA ENERGY SERVICES INC
4221-00031	LOIS THE PIE QUEEN vs ENCANA ENERGY SERVICES INC
4221-00032	VITTICE CORPORATION vs ENCANA CORPORATION
4221-00033	COUNTY OF ALAMEDA vs SEMPRA ENERGY
4221-00034	THE REGENTS OF THE UNIVERSITY OF CALIFORNIA vs RELIANT ENERGY SERVICES INC
4221-00035	SCHOOL PROJECT FOR UTILITY RATE REDUCTION vs SEMPRA ENERGY
4221-00036	ASSOCIATION OF BAY AREA GOVERNMENTS vs SEMPRA ENERGY
4221-00037	OWENS-BROCKWAY GLASS CONTAINER INC vs SEMPRA ENERGY
4221-00038	TEAM DESIGN DBA TIMOTHY ENGELN INC vs RELIANT ENERGY INC
4221-00039	CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER vs RELIANT ENERGY SERVICES INC
4221-00040	SACRAMENTO MUNICIPAL UTILITY DISTRICT vs RELIANT ENERGY SERVICES INC
4221-00041	SHANGHAI 1930 RESTAURANT PARTNERS LP vs ENCANA ENERGY SERVICES INC
4221-00042	PODESTA vs ENCANA ENERGY SERVICES INC
4221-00043	NURSERYMAN'S EXCHANGE OF HALF MOON BAY vs SEMPRA ENERGY

4221-00044 COUNTY OF SAN MATEO vs SEMPRA ENERGY  
4221-00045 BUSTAMANTE vs WILLIAMS ENERGY SERVICES  
4221-00046 PABCO BUILDING PRODUCTS vs DYNEGY INC  
4221-00047 BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY vs DYNEGY INC

10:00 a.m. This being the time previously set for **EX PARTE HEARING** on DUKE ENERGY DISCOVERY REQUEST Court convenes with counsel Nancy Fineman of Cotchett, Pitre, Simon & McCarthy, Aaron Sheanin of Girard Gibbs and Christ Micheletti of Zelle, Hoffman personally present for the Independent Plaintiffs. Joel Kleinman of Dickstein Shapiro personally present for the Duke Energy Defendant. Marked as Exhibit "A" attached hereto and incorporated herein are other counsel that are personally present.

Attorney Kleinman presents argument on behalf of the Defendant requesting additional discovery responses from the Independent Plaintiffs.

10:38 a.m. Attorney Fineman presents argument on behalf of the Independent Plaintiffs. Attorney Fineman indicates that the request as stated is too burdensome.

10:50 a.m. Attorney Sheanin presents argument on behalf of the Independent Plaintiffs.

Court and counsel discuss the issue and the Court makes recommendations regarding the discovery.

11:10 a.m. Court is in recess.

11:23 a.m. Court reconvenes with counsel and all parties as noted above personally present. Counsel informs the Court that they will meet on August 2, 2006 with all Defendants, Plaintiffs and the Independent Plaintiffs and confer regarding global discovery; they will try to resolve any issue that is not data driven. Counsel will return on August 8, 2006 on other pending discovery.

11:28 a.m. Court is adjourned in this matter.

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